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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION SEVEN

THE PEOPLE,

Plaintiff and Respondent,

v.

RICHARD IVY BROUSSARD III,

Defendant and Appellant.

B267610

(Los Angeles County
Super. Ct. No. BA432627)

APPEAL from a judgment of the Superior Court of
Los Angeles County, Bernie C. LaForteza, Judge. Affirmed.

Adrian K. Panton, under appointment by the Court of
Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

FACTUAL AND PROCEDURAL BACKGROUND

Richard Ivy Broussard III approached Kuem Lee one evening as she was leaving work. Broussard placed what appeared to be a weapon against Lee's stomach, grabbed her purse, and fled to his car. Lee alerted her boyfriend, Phillip Hazelton, who was sitting in his car. Hazelton gave chase and retrieved Lee's purse from Broussard's car.

The People charged Broussard with one count of second degree robbery (Pen. Code, § 211)¹ and alleged he had suffered two prior serious or violent felony convictions (for carjacking and first degree burglary) within the meaning of the three strikes law (§§ 667, subds. (b)-(j), 1170.12) and section 667, subdivision (a)(1), and had served six prior prison terms for felonies (§ 667.5, subd. (b)).

The trial court denied Broussard's motion to dismiss one of his prior serious or violent felony convictions as a strike. (See § 1385; *People v. Superior Court (Romero)* (1996) 13 Cal.4th 497.) Broussard subsequently pleaded no contest to one count of second degree robbery. He also admitted one of the prior serious or violent felony allegations under the three strikes law (the one for carjacking), both allegations under section 667, subdivision (a)(1), and two of the prior prison term allegations under section 667.5, subdivision (b). At the time he entered his plea, Broussard was advised of his constitutional rights and the nature and consequences of the plea, which he stated he understood. Counsel for Broussard joined in the waivers of his client's constitutional rights. The trial court found that Broussard's

¹ Statutory references are to the Penal Code.

waivers, plea, and admissions were voluntary, knowing and intelligent.

The trial court sentenced Broussard in accordance with the negotiated plea agreement to an aggregate state prison term of 22 years, consisting of 10 years for second degree robbery (the upper term of five years, doubled under the three strikes law), plus 10 years for the two enhancements under section 667, subdivision (a)(1), and two years for the two enhancements under section 667.5, subdivision (b). The court awarded Broussard presentence custody credits and imposed various fines, fees, and assessments. The court dismissed the other serious or violent felony allegations under the three strikes law.

Broussard filed a notice of appeal in which he checked the preprinted box indicating his appeal was based on “the sentence or other matters occurring after the plea that do not affect the validity of the plea.” Next to the preprinted box marked “Other,” Broussard stated he was also challenging the plea. In his request for a certificate of probable cause, which the trial court denied, Broussard indicated “that the sentencing he received included a term of incarceration for a second strike felony which had been struck for purposes of sentencing.”

We appointed counsel to represent Broussard on appeal. After reviewing the record, counsel filed an opening brief raising no issues. We subsequently advised Broussard he had 30 days to file a supplemental brief raising any contentions or issues he wanted us to consider. Although we granted Broussard two extensions of time, he never filed a supplemental brief.

DISCUSSION

A criminal defendant who appeals without a certificate of probable cause following a plea of no contest or guilty can only challenge a denial of a motion to suppress evidence or raise issues arising after the entry of the plea that do not affect the validity of the plea. (Cal. Rules of Court, rule 8.304(b)(1).) To the extent Broussard is seeking to challenge the validity of his plea and the sentence the trial court imposed as part of his plea, he cannot do so without a certificate of probable cause. (See *People v. Buttram* (2003) 30 Cal.4th 773, 781; *People v. Hoffard* (1995) 10 Cal.4th 1170, 1173; *People v. Stubbs* (1998) 61 Cal.App.4th 243, 245; Cal. Rules of Court, rule 8.304(b)(3).) With respect to other potential sentencing or post-plea issues that do not in substance challenge the validity of the plea, we have examined the record and are satisfied appellate counsel for Broussard has fully complied with his responsibilities and there are no arguable issues. (See *Smith v. Robbins* (2000) 528 U.S. 259, 277-284 [120 S.Ct. 746, 145 L.Ed.2d 756]; *People v. Kelly* (2006) 40 Cal.4th 106, 118-119; *People v. Wende* (1979) 25 Cal.3d 436, 441-442.)

DISPOSITION

The judgment is affirmed.

SEGAL, J.

We concur:

PERLUSS, P. J.

KEENY, J.*

* Judge of the Los Angeles Superior Court, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.